

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

ALLEN WEAH,

*Plaintiff*

-vs-

TRAVIS COUNTY COURT AT LAW #1,

*Defendant*

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SA-24-CV-00328-XR

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this date, the Court considered United States Magistrate Judge Elizabeth S. Chestney’s Report and Recommendation (ECF No. 3) in the above-numbered and styled case, filed on April 16, 2024. In that Report and Recommendation, the Magistrate Judge recommends granting Plaintiff’s Motion to Proceed In Forma Pauperis (“IFP”) but dismissing Plaintiff’s Complaint pursuant to 28 U.S.C. § 1915(e).

In his Complaint, Plaintiff sues Travis County Justice of the Peace Precinct 5 (referred to in his Civil Cover Sheet as “Travis County Court Law 1”). ECF No. 1-1 at 1; ECF No. 1-2. Plaintiff’s Complaint seeks to challenge a final judgment regarding an eviction against him in the County Court. ECF No. 1-1 at 1–8, 31–32. Plaintiff also seeks the removal of the judge, Judge Livingston, who issued the eviction order and final judgment in the case. The exhibits Plaintiff attached to his Complaint indicate that Plaintiff has already appealed the County Court judgment. ECF No. 1-1 at 36–46.

Any party who desires to object to a Magistrate Judge’s findings and recommendations must serve and file his or her written objections within fourteen days after being served with a copy of the findings and recommendations. 28 U.S.C. § 636(b)(1). The Magistrate Judge’s

recommendation was mailed by certified mail on April 16, 2024, to Plaintiff's last known address. ECF No. 4. However, the Court's mailing was returned as undeliverable on April 29, 2024. ECF No. 7. No objections have been filed, and the time in which to do so has passed.<sup>1</sup>

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.").

The Court has reviewed the Report and Recommendation and finds it to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Accordingly, the Court **ACCEPTS** the Magistrate Judge's recommendation and Plaintiff's case is **DISMISSED WITHOUT PREJUDICE**. Further, Plaintiff's Motion to File Electronically (ECF No. 5) is **DENIED** as **MOOT**. A final judgment pursuant to Rule 58 will follow.

The Clerk is **DIRECTED** to mail a copy of this Order to Allen Weah at the following address:

Allen Weah  
21103 Encino Commons Boulevard  
San Antonio, TX 78259

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<sup>1</sup> The Court sent a copy of the Report and Recommendation via certified mail to the address on record for Plaintiff on April 16, 2024. ECF No. 4. Service for the purposes of Rule 72 was complete upon mailing the Report to Plaintiff's last known address. *See* FED. R. CIV. PRO. 5(b)(2)(C) ("A paper is served under this rule by mailing it to the person's last known address—in which event service is complete upon mailing."); *cf. N.Y. Life Ins. Co. v. Brown*, 84 F.3d 137, 142 (5th Cir. 1996).

It is so **ORDERED**.

**SIGNED** this 20th day of May, 2024.

A handwritten signature in blue ink, consisting of a large loop followed by a horizontal stroke and a small flourish.

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XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE